



CITY OF COLLEGE PARK ADVISORY PLANNING COMMISSION
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ADVISORY PLANNING COMMISSION
MINUTES OF MEETING
September 3, 2009 – 7:30 P.M.

PRESENT: Advisory Planning Commission – Robert Day, Lawrence Bleau, Charles Smolka, Heidi Jones-Huffman and Timothy Dennee; Planning Staff – Terry Schum, Elisa Vitale, Dorothy Friedman and Theresheia Williams; Attorney – Deanna Adams and Susan Ford

I. Call to Order: Robert Day called the meeting to order at 7:35 p.m.

II. Approval of Minutes:

The June 4, 2009 minutes should be amended to reflect the following changes:

- Page 4 – paragraph 5, correct spelling of “voting”.
- Page 7 – paragraph 13, correct the spelling of Heidi Jones-Huffman name.

Lawrence Bleau moved to accept the minutes of June 4, 2009 as amended. Heidi Jones-Huffman seconded. Motion carried 5-0-0.

III. Amendments to Agenda: There were no Amendments to the Agenda.

IV. Public Remarks on Non-Agenda Items: There were no Public Remarks on Non-Agenda Items.

V. Public Hearings – Zoning Applications

CPV-2009-07: Variance to construct a 6 ½’ x 25’ covered front porch

Applicant: Maria & Florencio Contreras

Location: 9701 47th Place

Robert Day explained the hearing procedures and placed witnesses under oath. Dorothy Friedman summarized the staff report. The applicants are requesting a variance to construct a 6 ½’ x 25’ covered front porch to provide a new entryway to their home and an area to sit outside. The request is for a two foot (2’) variance from the required twenty five foot (25’) minimum front yard setback requirement. The subject property is located in the Hollywood neighborhood between Lackawanna Street and Muskogee Street. The property has an area of 6,500 square feet and is irregular in shape having five sides. At the street, the property measures 65 feet; the southern property line measures 90 feet; the northern property line measure 107 feet; and the two segments in the rear yard measure 46 and 29 feet. The property is improved with a two-story single-family home constructed in 1942. The applicants are in the process of upgrading their home, which includes a 33’ x 15’ addition and a 29 ½’ x 16’ driveway that is being resurfaced. The addition is part of a major renovation project, which involves relocating the main entry to the house from the side yard to the front yard. The house is located on a slope. The rear of the property falls away from the house. The surrounding neighborhood is single-family residential.

A number of properties in the neighborhood have front yard porches, including 9704 47th Place, which is across the street from the applicant. Joyce Brewer, the owner of 9704 47th Place verbally indicated that she was supportive of granting the variance. Staff recommends that the requested variance be granted.

Dorothy Friedman submitted the staff report and Exhibits 1-7 into the record. Commissioners accepted unanimously.

Heidi Jones-Huffman asked if there were any lot coverage issues?

Dorothy Friedman stated no.

Lawrence Bleau asked if there was any feedback from the civic association?

Dorothy Friedman stated no, she had not received any feedback.

Maria Contreras, applicant, testified that she is only asking for two feet (2'). She stated that she has a large family and when her grandchildren come over, she would like someplace to sit where she can watch them. She would also like a porch big enough to accommodate outdoor furniture. She also stated that one of her neighbors on Lackawanna Street has a large porch in front of her house.

The applicants submitted a petition signed by adjoining property owners indicating that they had no objection to the variance request. It was entered into the record as Exhibit 7.

Lawrence Bleau asked what would be the hardship if the variance was not granted?

Maria Contreras stated that because of the slope of the driveway, it causes water to get in her basement and installing the porch would help address this problem.

Robert Day asked if the back yard was sloped?

Maria Contreras stated no not too much.

Commissioners reviewed the criteria that need to be met before the variance can be granted and determined that:

1. The property was built in 1942 prior to zoning and has a 7.8' wide entryway that is oriented to the side yard, which is an extraordinary condition.
2. The strict application of the Zoning Ordinance will result in practical difficulties for the property owners. Prior to construction of the addition, the entry to the applicant's home included a 7.8 foot wide covered "front" porch which was located on the south side of the property. A front porch is deemed a permitted use of the applicants' property; however, the applicants may only construct a 4.5-foot covered front porch without a front yard variance and a 4.5-foot deep porch is not sufficient to create a reasonably usable space. To deny the applicants the right to construct a front porch with a depth of 6 to 7 feet is deemed to be a

practical difficulty because due to the unique circumstances of the house being constructed in 1942 prior to zoning with a front entryway in the side yard, the property cannot be reasonably adapted to be used in conformity with the front yard setback. A 2 foot variance would grant the applicant substantial relief.

3. Granting the variance to permit the applicant to construct a 6.5- foot x 25-foot covered front porch will not substantially impair the intent, purpose or integrity of any applicable County General Plan or County Master Plan because it will not change the character of the neighborhood or cause adverse impacts. Reasonably-sized porches are characteristic of the neighborhood.

Timothy Dennee moved to approve variance CPV-2009-07 because the request meets the three criteria for granting the variance for the reasons stated above. Heidi Jones-Huffman seconded. Motion carried 4-0-1, with Lawrence Bleau abstaining.

CPV-2009-08:	Variance to construct a 7.5' x 33.3' covered front porch
<u>Applicant:</u>	Prema Aiyer
<u>Location:</u>	9603 48th Place

Robert Day explained the hearing procedures and placed witnesses under oath. Dorothy Friedman summarized the staff report. The applicant is requesting a variance of 3.8% from the thirty percent (30%) maximum lot coverage to construct a 7.5' x 33.3' covered front porch to improve the appearance of their home. The subject property is located in the Hollywood neighborhood between Hollywood Road and Lackawanna Street. The property has an area of 6,250 square feet and is regular in shape with a width of 50' and a depth of 125'. The property is improved with a one- and one-half story single-family home, which was constructed in 1946, prior to zoning, a 22' x 33.3' addition, a 5' x 5' entryway and a 35' x 9' driveway. Currently the properties lot coverage is at 30%. The surrounding neighborhood is single-family residential. A number of properties in the surrounding neighborhood have front porches, including the property next door. The lot coverage is at the maximum permitted because of an addition that was added in 2006. Staff recommends that the applicant's variance request be denied.

Dorothy Friedman submitted the staff report and Exhibits 1-5 into the record. Commissioners accepted unanimously.

Heidi Jones-Huffman asked if there are any lot coverage issues?

Dorothy Friedman stated that the lot size is 6,250, which almost meets the 6,500 criteria.

Charles Smolka asked when was the addition constructed?

Dorothy Friedman stated that the addition was added on in 2006.

Prema Aiyer, applicant, and her husband Steven Subamani, testified that when they built the addition, they tried to obtain a permit and was told that the porch exceeds the maximum lot coverage and they would need to obtain a variance. They deleted the proposed front porch from the permit application to comply with the Zoning Ordinance

lot coverage requirement. Mr. Subamani stated that his neighbor's porch is larger than what he is proposing. The applicants stated that they would be willing to reduce the size of the porch from 7.5 feet to 5.5 feet. Ms. Aiyer stated that the current porch attracts a lot of insect nests because it is made of metal, so she would like to replace it.

The applicant submitted two letters from property owners at 9602 48th Place and 9605 48th Place indicating that they have no objection to the variance request. They were entered into the record as Exhibits 6 & 7.

Robert Day asked the applicant if he was aware that he was reaching the 30% maximum lot coverage when he built the addition?

Steven Subamani stated no, he was not aware.

Dorothy Friedman stated that when Prince George's County calculated the driveway, they made an error. She stated that if the applicants reduce the variance from 7.5 feet to 5.5 feet, the variance would be 2.9%.

Robert Day asked if the applicant would consider reducing the width and depth of the porch and maybe a portion of the driveway.

Ms. Aiyer stated that she would prefer not to shorten the driveway because it is parallel to the park and she talks and mingles with the people walking through the park. The applicant thinks she has been penalized because of Prince George's County's size miscalculation of the driveway.

Lawrence Bleau asked the applicant what would be the hardship for them if the variance were not granted?

Steven Subamani stated that it would be a hardship because the porch has some existing damage and it really needs to be replaced.

Timothy Dennee asked if the property has a gravel driveway?

Dorothy Friedman stated yes.

Lawrence Bleau asked if the current percentage of lot coverage, 30.2%, includes the current stoop?

Dorothy Friedman stated yes.

Commissioners reviewed the criteria that need to be met before the variance can be granted and determined that:

- 1) The property is typical in size and shape for the street and surrounding neighborhood. The house, however, was built in 1946 prior to zoning, with a stoop of 29.25 square feet. The 2006 permitted addition raised the lot coverage

- to 30.2% making .2% of the lot coverage, or 12.5 square feet, exceed the lot coverage allowed. A variance thus would be required for any reconstructive work necessitating a building permit for the stoop, including replacing its roof, an extraordinary condition of the property.
- 2) The strict application of the Zoning Ordinance will result in a practical difficulty for the property owner to be denied the right to replace a portion of the existing metal-covered entryway stoop because of the current marginal excess lot coverage with the existing stoop, rendering conformity with the regulations unnecessarily burdensome. Since the applicant constructed the 23' x 33.3' two-story addition in 2006, any hardship brought on by denial of the full requested 3.81% variance is considered to be self-imposed, however a lesser variance than that requested would give substantial relief to the property owner.
 - 3) Granting the variance to permit the applicant to exceed the maximum lot coverage by 1.2% or 75 square feet to allow the reconstruction of a reasonably-sized covered entry porch will not change the character of the neighborhood or cause adverse impacts. Reasonably-sized covered entry porches are characteristic of the neighborhood.

Lawrence Bleau moved to approve variance CPV-2009-08 because the request meets the three criteria for granting the variances for the reasons stated above. Timothy Dennee seconded. Motion carried 4-1-0, with Heidi Jones-Huffman voting nay.

VI. Review of Preliminary Central US 1 Sector Plan and Sectional Map Amendment

Terry Schum updated commissioners on the status of the Preliminary Central US 1 Sector Plan review. The vision for the corridor in this plan is very similar to the 2002 plan, just articulated differently. This plan calls for a series of mixed-use nodes at transit stops along the entire corridor with primarily residential development in between. The three mile corridor of Rt 1 would be divided into a series of walkable nodes and in between there will be corridor infill development. The plan refers to 6 transit nodes, 5 corridor nodes and 2 potential future walkable nodes. The concept is that the walkable nodes have the on-street parking and in between the nodes there would be medians.

There will be a joint public hearing before the Planning Board and District Council on Tuesday, September 15, 2009 at 7:00 p.m. in Upper Marlboro. Written comments may be submitted until September 30th (no e-mails). There will also be bus transportation to the hearing leaving from City Hall and Davis Hall. Anyone interested should call the City Clerk's office for more details.

Staff has met with the City Council several times to discuss the Plan and their concerns, but the City Council has not formulated a final position on the plan as of yet. The plan will not be approved by the District Council until next year.

VII. Update on Development Activity: Terry Schum reported on the following:

University of Maryland M Square – Has requested a resubdivision of property in the metro station area for their Research Technology Park. No final plan or hearing date has been set. Most of the development is in the City of Riverdale Park.

Metro Development – There are still no agreements between Metro and the selected developers. The residential developer, Fairfield, is renegotiating the initial MOU with Metro to scale back their project.

MAZZA GrandMarc Apartments – They are under construction and ahead of schedule. There Rt. 1 frontage is required to be developed for commercial usage.

JPI (eastside of Rt. 1) – Under contract with Patriot Realty. Will be in next week to meet with staff.

VIII. Other Business: Charles Smolka suggested starting the October meeting at 6:30 or 7:00 p.m. Commissioners agreed unanimously. The Attorney, Deanna Adams, informed commissioners and staff that she has accepted a position at another firm and this is her last meeting. Susan Ford, also with Council, Baradel, Kosmerl & Nolan, will be replacing her.

IX. Adjourn: There being no further business, the meeting was adjourned at 10:25 p.m.

Minutes prepared by Theresheia Williams